COLLECTION OF A BARRETT BOND.

Delinquent Assessment Can

Be Sued On.

Judge Bartholomew, of Room 3, Superior

Court, yesterday made a decision in the

street assessment suit of the Indiana Bond

Company against Julia and Scot Butler, of

hands of the treasurer of the town of

Irvington until long after the first Monday

in 1894. The defendants claimed that long

before that date they tendered the amount

due on the first assessment to the town

treasurer, who refused to receive the same.

It was held that the defendants paid the

assessment as soon as the treasurer would

rer before the first Monday in November.

installments of street improvements."

vember, 1894. Neither can the contention of the defendants that the acceptance of the payment of April 12, 1895, gave them the

COULDN'T FIND HIS CLIENT.

Frank G. Darlington.

It Includes the Institute, Family

Home and Lots.

Mrs. Zelda Seguin Wallace's Suit.

H. S. Day's Punishment.

Upon the complaint of his wife, H. S. Day

was arrested for assault and battery. Yes-

terday he was fined 31 and costs in Police

Court, his wife being the principal witness

against him. She said that her husband

To Have a Guardian Removed.

Ebenezer Skinner and others have peti-

tioned the Probate Court to remove Mary

E. Ray as guardian of Eli Skinner, a per-

son of unsound mind. The petitioners live

near Cumberland, this county. They allege

that Eli Skinner is seventy-two years of age, and is incapable of taking care of himself. Mary E. Ray is his daughter and only heir. The petitioners charge that she is unfit to have charge of her father.

Says She Spit in His Face.

Frederick Rasemann filed suit yesterday

for divorce from Catherine Rasemann. The

plaintiff keeps a saloon on Russell avenue.

and is said to be wealthy. Some time ago

Rasemann filed a cross-complaint. Saturday the suit was dismissed. The plaintiff alleges among other things, that his wife came to his saloon and spit in his face. She offered

Divorce Case of Prominent People.

The divorce suit of Amanda J. Binford

against William P. Binford, brought here

on change of venue from Hancock county,

is on trial in the Circuit Court. The family is highly connected and a considerable amount of property is involved.

Drawing a Very Fine Point.

A motion in arrest of judgment was made

his partender a similar indignity

Harding, at the family residence at 5:30 a. m., March 4, 1896. Funeral Friday, March 6, at 2 p. m. Friends are invited to RLISLE-Mrs. Ann M., died March 4 s 7:15 a. m., at the home of her sister, Mrs. M. A. Clarke, 801 North New Jersey street. Funeral service at the house Friday, March 6, at 2 p. m. Friends invited.

SOCIETY MEETINGS. MASONIC-Pentalpha Lodge, No. 564, F. and A. M. Stated meeting in Masonic Temple this (Thursday) evening at 7:30 o'clock. GEORGE A. GAY, W. M. WILLIAM H. SMYTHE, Secretary.

STOLEN-At foot of stairs leading to Metzger's Agency office, at 3:15 p. m., March 4, Waverley bicycle No. 11659, gear 72, steel rim and clincher Indiana tires; 1895 pattern; Waverley saddle; handle bar slightly raised. \$29 reward for return to 135 Varginia avenue. H. F. LANDIS.

LOST-Small, Russia leather pocketbook containing about \$65 in bills. Liberal reward if returned to 213 Indiana Trust

WANTED-MALE HELP. WANTED-An idea. Who can think of some simple thing to patent? Protect your ideas; they may bring you wealth. Write JOHN WEDDERBURN & CO., patent attorneys, Washington, D. C., for their \$1,800 prize offer and list of inventions wanted.

WANTED-AGENTS. WANTED-AGENTS-Hembletonian Cigar, 10 cents. AGENTS WANTED-To handle reliable

articles which seil to every family. Profit large. ROBERT S. WEST, Manufacturer, WANTED-Three first-class solicitors; permanent position. Salary paid. Competent men. State experience. J. C. O.,

WANTED-Salesman-Mineralized Rubber Hose, Belting, etc., is better and cheaper than vulcanized. Agencies granted on un-covered ground. MINERALIZED RUB-BER COMPANY, New York. WANTED-MISCELLANEOUS.

WANTED-To rent by April 1 nice hou in good neighborhood; must have four bedbath, furnace, both gases, nic yard and barn. Rent must be moderate to permanent tenant. Address with all particulars as to location, number of rooms and price. Address W. J. G., care Journal WANTED-To rent, by April 1, con and both kinds of gas. Rent must be moderate; tenant will be permanent. Address, with all particulars as to location, number of rooms and rent. E. H. B. Journal office.

FINANCIAL. FINANCIAL-Hambletonian Cigar, 10 cents. LOANS-Money on mortgages, SAYLES, 75 East Market street.

LOANS—Sums of \$500 and over.
City property and farms.
C. E. COFFIN & CO., 90 East Market MCNEY-To loan on Indiana farms. Low-est rates, with partial payments. Ad-dress C. N. WILLIAMS & CO., Craw-fordsville, Ind.

MONEY TO LOAN-On farms at the lowest market rate; privileges for payment before due. We also buy municipal bonds. THOS. C. DAY & CO., 72 East Market

NOTICE—The annual meeting of the directors and managers for friendless colored children will be held March 14, 1896, at Friends' Church, corner of Alabama street and Home avenue, Indianapolis, Ind., at 7:45 p. m., for the purpose of hearing reports of past year's work; and to elect nine (9) directors. WHALAM L. PYLE, President.

FOR SALE.

FOR SALE-Hambletonian Cigar, 10 cents. FOR SALE-Parties leaving the city are pelled to sacrifice an elegant new upright mahogany piano for \$175. 410 North Pennsylvania street.

FOR SALE-100,000 acres "white oak" tim-ber land in Arkansas, in lots of over 5,000 acres and up, good railroad facilities, good soil for corn and cotton. Good value at \$3 to \$4.50 per acre. D. H. WILES, Vinton

ANNOUNCEMENTS.

ANNOUNCEMENT-How to bed UNIVERSITY, Chicago.

ANNOUNCEMENT-Wall papers-I can ply you with any grade and newest of workmen. H. C. STEVENS, 496 North

FOR RENT.

FOR RENT-The new six-story and base-ment; iron, stone and plate glass, swell front building, handsomest, best lighted and located in the State-30x195 feet. Seven ficors. Two electric elevators. 7 and 3 East Washington street. C. F. SAYLES.

MISCELLANEOUS. MISCELLANEOUS-Hambletonian Cigar.

PROPOSALS FOR SUPPLIES.

National Military Home, Indiana, Treas-urer's Office, March 3, 1896. Sealed proposals will be received at this ffice until noon Tuesday, March 17, 1896, for on branch, National Home, D. V. S., quantitles to be increased 10 per cent., if required during the execution of the contract. Standards can be examined and printed instructions and specifications and blank proposals will be supplied upon application to this office. Samples presented by bidders will not be considered unless same are called for in specifications. The right is reserved to reject any or all proposals, or to waive any informalities therein.

Envelopes containing proposals should be indorsed: Proposals for supplies, N. H. D. V. S., and addressed to the undersigned.

H. O. HEICHERT, Treasurer. structions and specifications and blank pro-

JUSTIN H. CHAPMAN, Governor,

THE PHOTOGRAPHERS' EXHIBIT. Keen Competition for Prizes Offered for Best Work.

The second annual meeting of the State Photographers' Association began in Maennerchor Hall yesterday morning. There are a large number of exhitors, and many be represented to-day. The adwelcome was delivered by Mayor Taggart, and President Heimburger delivered the annual address. Some of the pictures shown are very fine and display the progress in the art of photography within the last few years. There is a keen competition for the first prize, which is a silver cup, presented by M. L. Jones, of Fort Wayne. The conditions for competition require an assortment of various kinds of pictures, including three pictures not less than thirteen inches high.

The other prizes are: Class A-Six pictures, thirteen inches or larger; first prize, group ground; second prize, one case Climax plates. Class B-Twelve pictures, Paris panels to thirteen inches; first prize, five gross cabinet paper; second prize, one keg Wal-

pole hypo.

Class C-Eighteen pictures, anything under Paris panels; first prize, a position chair; second prize, five gross cabinet pa-

Class D-Commercial work, six pictures, any size; prize, one keg of Walpole hypo. Class E-Architectural views, six pictures, any size; prize, one Hetherington camera.

Class F-Interior, six pictures, any size;
prize five gross-cabinet paper.

Class G-Landscape photography, six pictures, any size.
Class H-Combination picture, three com-

bination prints, any size; prize five gross There are other prizes offered for groups of twelve cabinets made by photographers

in towns of less than 5,000 In connection with this exhibit there is also a very interesting collection shown at Lieber's. It is of pictures of the Boston Public Library, The views are from all points, both inside and outside, and show architectural beauty to perfection. The meeting will continue to-day and to-mor-

Smokers will find Sweet Moments cigarties to be the best. Sold everywhere.

BIG SHIPPERS' POLICY

JOINT TRAFFIC ASSOCIATION THE

W. G. Lynch Appointed Assistant Gen eral Passenger Agent of the Big Four-Other Railway News.

A railway official in high position in the freight service says he could name fifty or nore men who were formerly traffic officials who, at points like Chicago, Peoria and St. Louis, are now employed by big shippers in looking after their interests. Some of these ex-officials have been general freight agents, and in two or three cases traffic managers; others have been contracting agents, and all are versed in traffic matters, know how to get concesto meet the views of an easily swayed freight agent and the views of the shippers. "As the policy," said this official, "with many shippers is anything to get the best of a railroad company in the matter of rates, the chief duty of these ex-traffic officials is to secure for the house employwide is their acquaintance that certainly they have the advantage over a stranger in the ways of railroad companies. Their position is much like that of a ticket scalper, and they will flourish best when rates are demoralized. It is for their interests to break up the Joint Traffic Association, as, should the latter carry out its announced policy and tariffs be maintained, the occupation of these ex-traffic men whom shippers now employ will be gone. I am convinced that the trouble at St. Louis growing out of the sending of freight over roundabout lines, was instigated by these ex-freight men who represent such shippers.

That the Joint Traffic Association has no small task before it to keep the direct ines in their present strong position in the matter of maintenance of rates is apparent Coming down to real facts, the struggla which is now going on between the Joint Traffic Association and the shippers is a struggle in which the small as well as the big shipper is interested, and the latter will be more benefited through the association carrying its point than the big ship-pers. I believe if the big shippers succeed in breaking up the new traffic association the little fellows would be crowded out of business by the combinations of large shipwholly unable to prevent discrimination in favor of the big shippers in rate matters, nd the interests of the small shippers now hinge on the outcome of the plans laid out in the presidents' agreement and handed down to the Board of Managers of the Joint Traffic Association to carry out."

Superintendent May Remembered. Under the recent official changes on th Pennsylvania lines, J. S. May, who had been trainmaster of the Chicago division of the Panhandle, was promoted to superintendent of the Richmond division, but has not yet removed his family from Logansport to Richmond. On Saturday nights he goes to Longansport to spend Sunday. Last Saturthe Chicago division inviting him into the spperintendent's office and presenting him with a very handsome sealskin wallet, properly lettered, and containing a check on the State National Bank for a handsome sum of money. The introductory remarks were made by L. M. Dooley, and the presentation speech by conductor F. C. Murphy. Credit is due to those in charge for the adroit manner in which the details were arranged Superintendent and Mrs. May had no ink-ling whatever of that which was to take place. Messrs. Dooley and Murphy, the active participants in the affair, are passenger conductors on the Chicago division of the Panhandle. Mr. Murphy has been in the employ of this company about twenty years, and Mr. Dooley for nearly a like period. Both began railroading at the lowest rung in the ladder as freight brakemen, then be-coming freight conductors, and finally being promoted to the responsible positions they at

present occupy, and which they have held for a number of years. Burleigh Will Hold His Fat Job.

In the federal court at Seattle, Wash. yesterday, Circuit Judge Gilbert handed down a decision, District Judge Hanaford Farmers' Loan and Trust Company for the confirmation of Bigelow and McHenry, Judge Jenkins's appointees, was denied. The court stated that Mr. Burleigh would continue to act as receiver for the Northern and Idaho. He will continue to receive \$15,000 a year. Judge Gilbert wrote the decision. He takes the position that Justice Field's order, while making Judge Jenkins's court the court of primary jurisdiction, gave Gilbert's court the right to do what was necessary to protect creditors in the far Western circuit. To do it it was necessary that Gilbert's court should have a receiver who was under it and who would be responsible to it for his acts. Justice Field's order never provided that Jenkins's men should be confirmed as receivers.

A Deserved Promotion. With the resignation of W. F. Snyder, gen eral Western agent of the Big Four at St Louis, that title was dropped and the position of assistant general passenger agent created, and W. G. Lynch has been aphas been with the Big Four and its predecessor twelve years, and for the last two years has filled with marked ability the podrawn business to the Chesapeake & Ohio, on of chief clerk to E. U. passenger traffic manager. His place as chief clerk will be filled by promotion, the civil-service rules being the best method, in Passenger Traffic Manager McCormick's opinion, of encouraging subordinates to do good work and making them worthy of pro-

otion as vacancies occur. Personal, Local and General Notes. A. W. Noyes and Harry Brandt, representing the Chicago Great Western, are in

day day a 5-per-cent. dividend on its preferred stock. The Chicago & Eastern Illinois has declared a quarterly dividend of 11/2 per cent. payable April 1.

J. T. Wann, auditor of the Eric Railway Company, has had his jurisdiction extended to include the Chicago & Eric. J. P. Robinson has been appointed road foreman of engines on the E. & A. division of the Pennsylvania, vice Frank Ray, re-

F. A. Malone has been appointed traveling freight and passenger agent of the Cincin-nati, Jackson & Mackinaw, with headquar-Train employes on the Wabash lines are

being examined for color blindness and hearing. But few are found to be deficient in either eyesight or hearing. The Association of Railway Officials, Indianapolis Division, will hold its regular monthly meeting on Saturday, when some interesting papers are to be read. Charles A. Beach, superintendent of the Buffalo division of the Lehigh Valley, has resigned and Lucas Van Allen has been ap-

pointed acting superintendent of that divi-Conductor O'Brien, a veteran in the Lake Erie & Western service, who has been II for some weeks, is so much better that he was out yesterday, but is still unable for

W. C. Bush, passenger conductor on the Michigan Central, has been granted a month's leave of absence to go to a sani-tarium in Detroit for treatment for throat

J. B. Eckman, district inspector of the Indianapolis Joint Rate and Inspection bureau, yesterday received his first circular direct from the Joint Traffic Association A Lorain county man has sued the Cleve-

land, Lorain & Wheeling for \$10,000 damages. When he worked in the company's shops at Lorain he claims to have got into a draught which ruined his health. T. Poynter, a freight brakeman on the Cincinnati, Hamilton & Dayton (Indianapolls division), has been promoted to pas-senger conductor, making his first trip yesterday afternoon on the fast express. John Ferguson, general baggage agent at the Union Station, says the increase in baggage handled for traveling salesmen out

of Indianapolis in the last few years is re- Grace Campbell, Miss Clara Nieman markable, being nearly double that of five There is considerable friction between the Joint Traffic Association and the Western Freight Association, which, it is feared, may lead to a rupture. The Western roads,

it is stated, are continually subjected to petty annoyances.

fare for the round trip to three State en-campments of the Grand Army, one to be held at Grand Rapids, another at Minneapolls and a third at Wisconsin City. For nearly ten years Patrick Finley, an engineer on the Pennsylvania, has been drawing on an average \$24 per month from the Pennsylvania Voluntary Relief Fund. Being unable to work on account of disability, he appreciates the Relief Association.

A call has been issued for a special meeting of the Western Passenger Association to be held in St. Louis next Tuesday. The matters which will come up for considera-tion are mostly of a routine nature, and of interest to the roads themselves more

than to the public. Conductor Kirkpatrick, of the Vandalia who on the first of the month was given a one year's leave of absence, yesterday went to his farm, near Greenville, Ill. The rail-road fraternity expect he will find farming so much to his taste that at the end of the year he will abandon rathroading.

The Wabash on Monday presented Mrs. William Davis, widow of a Columbia City man, a purse of \$500. Two weeks ago her husband, while walking on the company's switch at Columbia City, was run down and killed. There was no legal liability on the part of the company for the accident. John Martin, who for some years looked after the passenger business of the Big Four in this city, is here for a day or two. President Ingalls recently asked him if he wanted a railroad job and he told him "no," the position of advance agent of a theatrical troup being more desirable. Under the name of the Collins, North Park & Western railway, the Burlington & Missouri railroad is to be extended from Longment, Col., via Fort Collins, to Steamboat Springs, running through the Hahns Peak mining district. The new company has been incorporated with \$1,000,000 capital Arkansas roads have decided to discon-nue the sale of tickets to and through Pittsburg, Wheeling, W. Va., or any of the gateways south of those points, at short line rates via Chicago. Tickets sold through those gateways via Chicago will hereafter be made up of the sum of the locals via

Ex-Trainmaster Cyrus Sissler has so far recovered from his recent paralytic stroke that he expects on the first of the month to take his old run on the Wabash as conductor between Toledo and Tilton. Mr. Sissler had the opportunity, a few months ago, to read his obituary, which was pub-

have agreed to cancel the rates and arpreviously agreed to for the the Baptist anniversaries in Ore. The Baptists have about concluded that they will not go to Portland year anyhow so the cancellation of the rates and arrangements cuts little figure with them.

President E. R. Bacon, of the Baltimore & Ohio Southwestern railroad, in an interview regarding the status of his company in the light of the receivership for the Baltiwestern is absolutely solvent and that its earnings for the first half of the fiscal year were \$200,000 in excess of fixed charges, taxes and expenses.

Thomas Noonan returned yesterday from the East. He states that the throwing of the Baltimore & Ohio into the hands of a receiver does not in the least disturb the relations between the Central States Dispatch, of which he is the general manager, and the Baltimore & Ohio, the trunk line which the Dispatch operates over in con-nection with the Philadelphia & Reading

Expert Little's examination of the books of the Baltimore & Ohio shows that the company has a floating debt of nearly and it is estimated that it will rephysical condition to permit of operating it on an economical and profitable basis. Its immediate available assets, including \$5,000,000 par value Western Union stock, are valued at \$8,500,000. While the citizens of Elwood are enthused

over a rumor that the Panhandle shops at Logansport are to be removed to Elwood, basing the belief on the fact that Panhandle officials are interested in property there, the company is contemp considerably enlarging the shops at Logans port as a result of a recent visit of General Manager Loree and General Superintendent Miller to that city. Seven years ago S. Stringer left the In-dianapolis & Vincennes, on which he was a

freight brakeman, and went to Kansas City, taking with him a few hundred dollars, and begun studying law, mingling a little real-estate business with it. He is now rated as one of the wealthy men of Kansas City, the real estate he owns being taxed for \$30,000. Mr. Stringer is spending a few days with relatives here, and yesterday called on Superintendent Mansfield. the northern part of the State and the conveniences for meaching it from Indianapolis by rail are by no means satisfac tory. A passenger official says the Big Four and the Lake Erie & Western should run coaches between Indianapolis and Fort Wayne at hours which would be convenient to the traveling public. The expense of such an arrangement would be light and in a short time the route would become a popular one, as the best time could b

sidering a proposition to make their rules oldiers' homes the same as those the Western Passenger Association. These rules provide for the half rates on the cently a request was made for the transportation of several old soldiers from eavenworth, Kan., to points on the North Pacific coast, but the chairman of the association could not authorize the rate for the reason that there was no provision in the agreement under which the half-rate could be made. The transcontinental roads have

roads which the Chesapeake & Ohio had made on the business of the Baltimore & latter losing ground as a trunk line. He said it was no exaggeration to say that 50 per cent, of the business east and westbound which the Chesapeake & Ohio had pointed to fill the position, with headquarters | done the last few years was that much at St. Louis, effective April 1. Mr. Lynch | taken from the Baltimore & Ohio. The lat-McCormick, and the Kanakee Dispatch, operating over lis place as the Chesapeake & Ohio, had made serious inroads into the business of the Baltimore

& Ohio west-bound. W. H. Caniff, announcement of whose appointment as general manager of the Lake Shore & Michigan Southern was made a day or two ago, entered railway Owosso, Mich., for the Lake Shore road; in February, 1865, he was given the position of station agent at Trenton; in August, 1868, he was appointed joint agent of this road and the Louisville, New Albany & Chicago at Salem Crossing; four years later he was appointed trackmaster of the Chicago division of the Lake Shore; in the autumn of 1880 he was appointed superintendent of the Lansing division of the road: in 1889 he was appointed assistant general superintendent of the entire system. On New Year's day he was promoted to general superintendent, which position he held until March 1, when he was appointed general

WITH THE MUSICIANS.

Woodruff-place Chapel was filled last evening with an appreciative audience which listened to a very pleasing programme furnished by Miss Mary Wheeler, soprano; Miss Margaret Lockwood, violinist, and Miss Amy Jacobs and Dr. Maurice Albrecht, planists. Miss Wheeler, who has a strong, well-cultivated voice, sang Braga's "Angel's Serenade" and Kuecken's "Heaven Hath Shed a Tear," with violin obligato by Miss Lockwood and plano accompaniment by Dr. Albrecht. All the other numbers were solos and each one who participated was recalled. A social hour followed

the entertainment.

One of the best church concerts ever given here was that at the Fourth Presbyterian Church last evening, given by Mrs. Matzke, soprano at the church, who was assisted by Karl Schneider, of the College of Music; Newton Swift, pianist; Sig. Marone, harpist; George Givens, violinist; Prof. Paul Bahr, organist; Miss Kate Reger, contralto; Mrs. Nellie Earsom, reci-tationist, and the quartet Mrs. Matzke, Miss Anna Schowe, Frank Diller and Will Douthie. Miss Oliver Kiler was the accompanist. A choice programme was presented. The proceeds are for the benefit of the

A concert was given at the new church at the corner of Talbott avenue and Sixteenth street last evening by the pupils of the College of Music, assisted by Andrew Smith, Will T. Shannon and the Arbuckle string quartet. The proceeds are for the building fund. After the concert there was a social entertainment.

Mrs. W. L. Walker, Miss Zora Bartmess, Miss Anna Lutz, Miss Vida Weinland, Miss Francis Reid, Charles Seidensticker, Edward Gohman, J. A. Bernloehr, Earl Wein-land, Frederick Hartman and C. W. Bernlochr took part in a concert last evening which was given at the new Moravian Church on College avenue.

For Throat Diseases, Coughs, Colds, Roads in the Western Passenger Association are voting on a proposition to give one Bronchial Troches" Price 25 cts. Sold only in boxes. | torneys for Isaac Smith, convicted and

fined for gambling. The motion was filed on the ground that the indictment charged Smith with frequenting a gambling house, but failed to state that gambling was going on there at the time. Judge McCray over-ruled the motion. ANOTHER DECISION REGARDING

The Milliken Claim. A petition was filed in the Probate Court yesterday asking that the law firm of Dudley & Michener, of Washington, D. C., When the Taxpayer Is in Default Only be authorized to collect a claim of \$960 held by the heirs of Samued Milliken against the United States government. The claim is for services performed by the decedent while a mail carrier in the South in 1861.

Now They Sue the Commissioners. Attorneys R. W. McBride and Thomas Commissioners for the recovery of \$1,000 attorneys' fees, alleged to be due the plaintiffs for services performed in bringing the Willie Reed murder case before the Supreme Court. the town of Irvington. It was alleged that the defendants neglected and failed to pay the first installment in November, 1894, and the second installment of interest in April,

A Defective Circular Saw. 1895, and because of this neglect the entire George Bennett has sued the Indianapolis assessment became due and collectable un-Chair Manufacturing Company for damder the statute. The suit was brought to ages. He was employed by the company, and alleges that he was set to work running a defective circular saw. He lost sevforeclose the lien. The answer of the decomplaint, but set up the averment that the assessment roll was not placed in the

Her Vehicle Struck by a Car. Kate Gallagher sued the Citizens' Streetrailroad Company for damages on account of personal injuries. While driving on South West street her vehicle was struck by a car and she was thrown out.

THE COURT RECORD.

Supreme Court.

receive the money. Judge Bartholomew 17590. Scott vs. C., C., C. & St. L. Ry. Co. Putnam C. C. Affirmed. McCabe, J.-1. Where a person through mistake takes the "The vital question presented is: Whether or not the defendants were guilty of a dewrong train he is a passenger and entitled fault upon the failure to pay the first in-stallment and interest on the first Monday in November, 1894. The law provides for to be treated as such. 2. A passenger who fails and refuses to pay his fare has no right to demand to be carried to a station before the placing of the assessment roll in the hands of the treasurer, and he is required to receive the installments of principal and the company may rightfully put him off the train. 3. All presumptions are in favor of the conductor and must prevail until overcome by such obligations as put him in the wrong. 4. When a ticket agent interest as they severally become due. The is authorized to sell tickets over two sepession of the treasurer on the first arate roads to the same place and delivers Monday in November, and that the defendants were ready to pay on that date, but the treasurer declined to receive the a ticket to a person applying for the same over the road other than which he asks the road which he sought carriage over will be same; that the same came into the possession of the treasurer in February, 1895, and that the defendants paid the first installthe road over which carriage is given. ment and interest on April 12, 1895—this payment including interest due on the April pa; ment. The contention of the defend-17716. Tombinson vs. City of Indianapolis. Marion C. C. Affirmed. Howard, J.-When the Common Council is given power by statute to pass ordinances to regulate the use of streets by vehicles, by taxing or charging ams, that by the failure of the officers to place the rolls in the hands of the treasthe owners thereof a license fee, the city has the power to so charge a nonresident of in equity relieved them from fault, and the city such a fee when he continually uses that the placing of the assessment rolls in the streets in the pursuance of his business. the hands of the treasurer was a condition alone will not render one incapable of making special statute governing the payments in a contract, but if it is accompanied by undur-influence, d sease, inadequacy of cons deration After quoting the statutes the court says again: "Therefore, I conclude under the misrepresetations, concealment, taking adevidence that the refusal of the treasurer to receive the payment of the first install-ment on the bond sued on (for the reason vantage of ignorance, inexperience and want set aside. 2. When one of the parties to a contract is old, feeble, illiterate and weak-minded from sickness or other causes very that he had not received the assessment roll) would not prevent the defendants be-ing in default as provided by the statute. slight circumstances will east the burden on There is no evidence to show that they tendered to the plaintiff or any one besides

the other party.

17476. Dalton vs. C., C. C. & St. L. Ry.
Co. Vigo C. C. Affirmed. Hackney, J.—A
building (coal chute) not in itself a nuisance may be erected without the interference of the courts, but the use of the building for which it is erected may afterwards be enjoined as a nuisance

right to avoid default, be sustained under the law. The mere fact of receiving the payment by the treasurer would not have Appellate Court. the force of an agreement to waive the de-1379. Coal Co. vs. Reitz. Vanderburg S. C. Petition for rehearing overruled. Lotz, J. fault. Nothing short of positive agreement to restore the defendants to their condition before default could do this. But a positive agreement between the treasurer and de-fendant to waive a previous default, which would affect the rights of the bondholder, pass and conversion and the two tortions acts are separate and distinct as to place, the pleader must state them in separate para-graphs. 2. If the evidence which a party would be nugatory, for the reason that the treasurer stood in no such relation to him witness from whom the proof is to be made must be placed upon the stand and a proper question propounded, and if objected to then an offer should be made which in some form as to give any authority to make such a contract for him or in his behalf, and if such a contract had been made it would not have bound the plaintiff in this case. We conclude the default of the defendants upon the failure to pay the November installment in 1894 when due gave the plaintiff the right to sue for and foreclose the should contain a statement to the court that the witness will, if permitted, testify to a certain specific fact. 3. In an inadvertent trespass upon lands the damages should be measured by the permanent injury done, plus the value of the products of the land less the cost of the labor expended upon them.

1681. City of Bloomington vs. Wilson.

Monroe C. C. Reversed. Davis, J.—In the but that he cannot in this cause recover more than the assessments and interest due when suft commenced. Hence, I conclude the plaintiff is entitled to recover only the absence of negligence on the part of a city in making an improvement the city will not sum due when suit was brought, together with interest, cost and reasonable attorneys' fees. The sum due, with interest, having been paid since the beginning of this action, plaintiff is entitled to recover be liable for the act of the contractor in tres-

passing on private property.

1882. Fruchy vs. Eagleson. Montgomery
C. C. Affirmed. Reinhard, J.-1. Where a his costs and \$15 attorneys' fees, and is person is refused hotel privileges on account of his color the owner of the hotel is liable for damages as provided in the statutes. 2. An agency may be established by circumstantial evidence. 3. A minor is liable for entitled to foreclose the lien for these sums such things as are necessary to his support An Attorney Dismissed a Suit Against and comfort comporting with his station in

1578. Seiberling Co. vs. Newlon. Washington C. C. Affirmed. Ross, J.-1. An agent with the authority to sell, adjust and set up machines has the implied power to do all that is necessary in consummating a sale or The damage suft of George Buck against Frank G. Darlington, of the Pennsylvania Raffroad Company, was dismissed in the Superior Court yesterday for want of prosecution. Buck was employed by the Pennsylvania Company in 1894, when the Amerby a record that a cause had been passed can Railway Union strike was declared. over from term to term without judgment having been rendered on the finding does not divest the court of jurisdiction either of the When the employes here went out Buck was among them. He was not taken back when quiet was restored, and brought a suit for damages, alleging that Superintendent Darlington had 'black-listed' him. subject matter of the action or of the persons The complaint was written by a clerk in the office of attorneys Rochford & Cox, and Petition to have submission set aside and for additional service granted.

1822. Boyce vs. Robertson. Carroll C. C. the name of that firm was signed to the document. The firm, however, withdrew its appearance in the case, and Silas M. Shep-Superior Court. and became the attorney for Buck. Yester-

day Mr. Shepard came into court with the announcement that he couldn't find his cli-Room 1-John L. McMaster, Judge. Joseph C. McCain vs. Wm. T. Hunt et al. ent, and he thought the case might as well oreclosure lien. Dismissed and costs paid. Room 2-Lawson W. Harvey, Judge. Martin Birk vs. Frederick Borst; note and TRUSTEE FOR ALLEN PROPERTY. account. On trial by court.

Room 3-Pliny M. bartholomew, Judge. Charles Girton vs. Hugh W. White et al. Dr. H. R. Allen, of the Allen Surgical In-From Johnston, justice of peace. Finding and judgment for plaintiff vs. all defendstitute, and wife, Harriet Allen, have conants for \$81.15. James L. Healy et al. vs. Henry Coburn et al.; mechanic's llen. Finding and judgment for plaintiff for \$124.12. tee. The deed of conveyance was filed with Indiana Bond Company vs. Julia Butler et al.; improvement bonds. Finding there is due plaintiff \$15. the county recorder yesterday. The sched-ule of property transferred includes the Allen Surgical Institute, the Allen home, at Delaware street and Home avenue, and a Daniel P. Erwin vs. Emil Willbrandt; acnumber of city lots. The old surgical insticount. Dismissed and costs paid. Wm. Bossert vs. Catherine Riley; sewer tute lot, at Illinois and Georgia streets, is owned by Mrs. Allen. Mrs. Allen and her ien. Finding there is due plaintiff \$26. children are to derive the benefits from the Derk De Ruiter vs. Joseph Willoeby et al.; sewer lien. Finding there is due plainproperty turned over after all taxes, street

Circuit Court.

assessments and mortgage indebtedness is paid. Dr. Allen will live in Chicago. Zelda Seguin Wallace vs. T. H. & I. Rall-road Company; damages. Dismissed and The suit of Mrs. Zelda Seguin Wallace John Buck vs. Frank Darling et al.; damages. Dismissed for want of prosecution. against the Terre Haute & Indianapolis Railway Company for the recovery of dam-Edgar A. Brown, Judge. Armanda J. Binford vs. Wm. P. Binford; ages for injuries received in the Coatsville livorce. On trial by court. wreck, in January, 1895, was settled yesterday out of court. The suit was compromised by attorneys Duncan & Smith, Mrs. Wallace's counsel. The attorneys decline New Suits Filed.

suit on bond, Superior Court, Room 1. Sidney Monahan vs. Eliza N. Stearns to state the basis on which the suit was settled, although they aver the amount damages. Superior Court, Room 1. Loretta Wickes vs. Charles H. Wickes; paid by the railroad company was satisfactory to Mrs. Wallace. The original demand of the plaintiff was \$50,000. livorce. Superior Court, Room 2 George F. Brown vs. George C. Henderson; ejectment. Superior Court, Room 8. Kate Gallagher vs. Citizens' Street-railway Company; damages. Superior Court, Jacob Hahn vs. Josephine Bell Hahn; di-vorce. Superior Court, Room 3. Robert W. McBride and Thomas Hanna vs. Board of County Commissioners; suit on account. Superior Court, Room 2. George Bennett vs. Indianapolis Chair against him. She said that her husband came home drunk one night several weeks ago and slapped her. The next day she swore out a warrant for his arrest, but he fied the city before it could be served. He had just returned when arrested. In addition to the fine imposed, Judge Cox sent him to the workhouse for five days. Manufacturing Company; damages. Superior Court, Room 2.

John W. Lewis vs. Mary E. Lewis; divorce. Superior Court, Room 2. Frederick Rosemann vs. Catherine Rose-mann; divorce. Superior Court, Room 1.

The Resolution Never Passed. Governor Matthews has upon investigation found that the concurrent resolution giving Indianapolis the use of fifteen acres of State land north of the Deaf and Dumb Institute, was never passed by the Legislature. The resolution appears in the acts of that body The resolution passed the House, was returned from the Senate in an amended shape, but never received further attention. Robert A. Brown, clerk of the House, says he did not sign it, but has found that offe of his assistants did do so, thinking it needed signature and that he was performing his duty. The resolution granted the use of the ground for park purposes. for park purposes.

To Build a New Church.

The official board of the Englewood Christian Church has issued a circular stating the surpose of the congregation to raise money towards building a church. This is the youngest congregation of Disciples in the city and is the only church of its kind in the part of town known as "East End." A. L. Orcutt is the pastor of it.

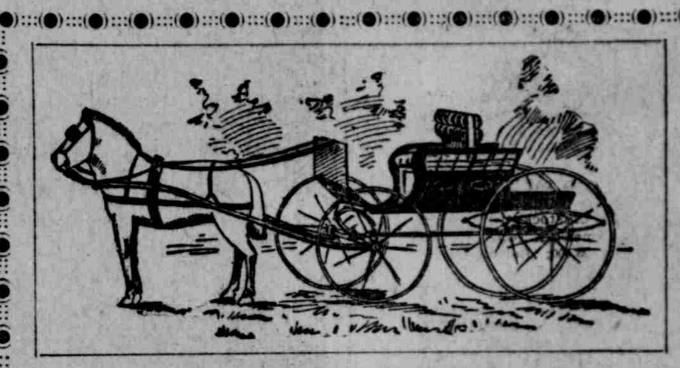
Impoverished blood causes that tired feeling. Hood's Sarsaparilla purifies, enriches and vitalizes the blood, giving new life and increased vigor and vitality. Hood's Pilis are easy to take, easy to The Sunday Journal, by Mail, \$2 per



and no other for it is

The largest piece of good tobacco ever sold for 10 cents

The 5 cent piece is nearly as large as you get of other high grades for 10 cents



SMOKE : : :

LORD YORK CIGAR And Vote for Your Favorite Child.

DANIEL STEWART CO., Distributing Agents





NEW MODELS

THE BARNES WHITE FLYER, \$100

THE MATCHLESS HEARSEY, \$85 SKY-HIGH CRESCENTS

\$75 and \$50.

T. HEARSEY CYCLE CO. 116-118 North Pennsylvania St.

Riding School open day and evening.